



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 16, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of American Recovery And Reinvestment Act Road Maintenance Project

RECOMMENDATION: That Council:

- A. Reject the bid protest filed by Valley Slurry Seal and award a contract to Bond Blacktop, Inc. (Bond), in the amount of \$1,150,148 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Maintenance Project (Project), Bid No. 3586;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$88,100 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Flowers and Associates (Flowers), in the amount of \$114,416 for construction support services, and approve expenditures of up to \$11,440 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$44,550 for construction testing services, and approve expenditures of up to \$4,450 for extra services of Fugro that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The Road Maintenance Construction Contract is funded by the Recovery Act. Roadway maintenance was identified as one of the City's "shovel ready" Streets projects. A second separate Recovery Act Road Overlay Project is proposed for Council's approval. The total amount of Recovery Act funds authorized for the two projects is approximately \$2.67 million. The City has a proactive roadway preventative maintenance program and these Recovery Act funds have been identified to augment priority roadwork throughout the City. This contract is aimed at preserving the surface of City roads by utilizing cape seal and slurry seal surface treatment.

DISCUSSION:

PROJECT DESCRIPTION

The proposed work for the Project consists of various methods of pavement maintenance, such as slurry and cape sealing of the roadway. The work includes addressing roads in mild to significant disrepair. The Project will address both asphalt and concrete roads (see Attachment for the locations of the two proposed Recovery Act pavement construction contracts).

CONTRACT BIDS

A total of five bids were received for the subject work, ranging as follows:

	BIDDER	BASE BID AMOUNT*	BID ALT. 1	BID ALT. 2	BID ALT. 3	CONTINGENCY BID
1.	Bond Blacktop Union City, CA	\$881,000	\$421,064	\$316,386	\$241,098	\$28,050
2.	Valley Slurry Seal** Sacramento, CA	\$932,681	\$447,017	\$325,314	\$249,678	\$26,775
3.	Windsor Fuel Company Windsor, CA	\$1,138,050	\$332,200	\$312,480	\$257,400	\$19,500
4.	Pavement Coatings, Inc. Cypress, CA	\$1,392,250	\$537,540	\$558,000	\$445,302	\$28,500
5.	Intermountain Slurry Seal Sacramento, CA	\$1,652,950	\$675,710	\$619,380	\$476,190	\$35,700

*Award of Contract based on amount of base bid.

**Staff acknowledges that this contractor will be protesting the award recommendation at the Council meeting.

The low Base Bid of \$881,000, submitted by Bond, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. In addition to the Base Bid, there are sufficient funds available to include Bid Alternative 3 (see attachment) and the Contingency Bid into the contract amount. The Contingency Bid includes any field street striping changes not included in the Base Bid.

The total contract amount is \$1,150,148, plus an additional \$88,100 for change orders. The change order funding recommendation represents approximately 8% of the contract total and is within the typical range for this type of work and size of project.

BID PROTEST

A “bid protest” was filed by the second low bidder, Valley Slurry Seal (VSS), contesting that a product they are proposing should be considered equal to the product specified in the Project specifications and, therefore, should be authorized for use in this Project. VSS also contends that the testing required of the product, as specified, should not be allowed. After careful review, staff has concluded that there is sufficient information to support staff’s position that the VSS product is not equal to the product specified in the Project specifications. Staff will give a presentation regarding its recommendation to reject the bid protest and the reasoning for recommending the award of the contract to Bond, the lowest responsive bidder. It is expected that VSS will be making a similar presentation to Council regarding its bid protest.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$125,856 for construction support services. On November 10, 2009, Council approved the selection of Flowers to provide professional engineering design and construction management services for pavement maintenance projects through the end of Fiscal Year 2012.

Staff recommends that Council authorize the Public Works Director to execute a contract with Fugro in the amount of \$49,000 for testing services. Fugro is experienced in this type of work.

PUBLIC OUTREACH

The Public Works Department informs the public of ongoing projects. Information on the Project was mailed out while in the design phase and after the bids were opened. During the design of the Project, staff worked closely with private and public utilities to ensure that their work would be completed prior to the road restoration work.

FUNDING

On October 20, 2009, Council accepted and appropriated funds for the work. Eligible construction phase work under the Project is 100% reimbursable from the Recovery Act. There are sufficient appropriated funds in the Streets Capital Fund to cover the cost of this Project, including the City’s share, as identified in the tables below.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract (Bond)	\$1,150,148	\$88,100	\$1,238,248
Construction Support Service (Flowers)	\$114,416	\$11,440	\$125,856
Material Testing (Fugro)	\$44,550	\$4,450	\$49,000
TOTAL RECOMMENDED AUTHORIZATION			\$1,413,104

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Phase	Federal Share	City Share	Total Cost
Design (by Contract or City staff)	\$0	\$42,283	\$42,283
Subtotal	\$0	\$42,283	\$42,283
Construction Contract	\$1,150,148	\$0	\$1,150,148
Construction Change Order Allowance	\$88,100	\$0	\$88,100
Construction Support service (by Contract)	\$125,856	\$0	\$125,856
Other Construction Costs (testing, etc.)	\$49,000	\$0	\$49,000
Subtotal	\$1,413,104	\$0	\$1,413,104
Construction Management/Inspection (by City Staff)	\$0	\$22,500	\$22,500
Subtotal	\$0	\$22,500	\$22,500
TOTAL PROJECT COST	\$1,413,104	\$64,783	\$1,477,887

SUSTAINABILITY IMPACT:

This timely maintenance sustains our roads and minimizes or eliminates the need for road reconstruction. This reduces the use of additional materials and pavement oils, both of which deplete natural resources.

Additional materials regarding this project will be provided to City Councilmembers and are available to the public at the City Clerk's office, located at 735 Anacapa Street, Santa Barbara, California, after 10:00 a.m. on Friday, March 12, 2010.

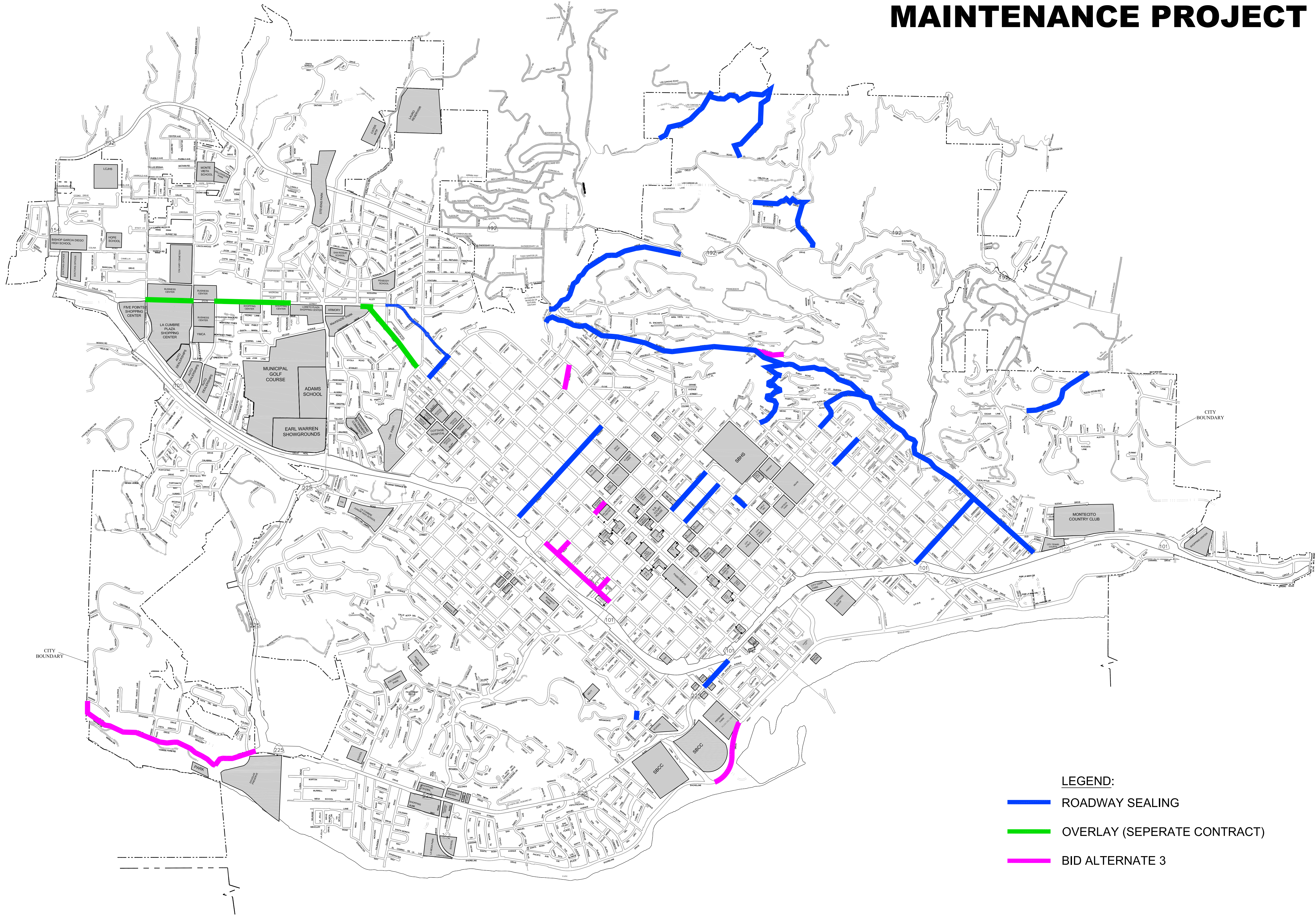
ATTACHMENT: Recovery Act Road Overlay and Maintenance Projects Map

PREPARED BY: John Ewasiuk, Principal Civil Engineer/TC/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

RECOVERY ACT ROAD MAINTENANCE PROJECT



LEGEND:

- ROADWAY SEALING
- OVERLAY (SEPERATE CONTRACT)
- BID ALTERNATE 3